

**ENTERED**

August 09, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

PATRICIA KRAFT,	§	CIVIL ACTION NO
Plaintiff,	§	4:20-cv-04015
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
PETER DAVID BATY,	§	
Defendant.	§	

**ORDER**

Plaintiff Patricia Kraft moves for default judgment against Defendant Peter David Baty. Dkt 74. The record doesn't reflect that she has secured entry of default against him. The motion for default judgment is thus construed as one for entry of default.

Baty was served on November 11, 2021. Dkt 54. He was served within a judicial district of the United States and didn't waive service. Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure thus required him to answer or file an otherwise responsive pleading within twenty-one days of service, which here meant December 2, 2021. He hasn't done so.

Rule 55(a) provides, "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

The constructive motion by Plaintiff Patricia Kraft for entry of default is GRANTED. Dkt 74.

The Clerk is ORDERED to enter default against Defendant Peter David Baty.

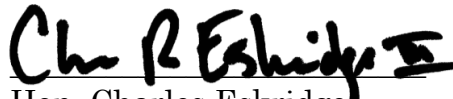
Once default enters, Kraft may renew her motion for default judgment. Such motion must adequately establish

all requirements for default judgment to enter under the Federal Rules of Civil Procedure. For example, see *Neutral Gray Music v Tri-City Funding & Management LLC*, 2021 WL 1521592 (SD Tex 2021).

Kraft should bring any motion for default judgment promptly.

SO ORDERED.

Signed on August 9, 2023, at Houston, Texas.

  
Hon. Charles Eskridge  
United States District Judge